



A Case Study on Executive–Legislative Conflict in the Amendment of the Corruption Eradication Commission (KPK) Law in Indonesia

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Background: The amendment of Indonesia's Corruption Eradication Commission (KPK) Law has triggered constitutional controversy concerning the distribution of power between the executive and legislative branches and its implications for institutional independence. This study examines the nature of executive–legislative conflict arising from the legislative process of the KPK Law revision, focusing on constitutional principles of checks and balances and separation of powers. Using a qualitative case study approach, this study examines legal documents, parliamentary records, Constitutional Court decisions, and scholarly literature to critically analyze executive–legislative relations and constitutional tensions arising from the amendment process. The findings reveal that the amendment process was heavily influenced by political interests that overshadowed constitutional safeguards intended to preserve the independence of anti-corruption institutions. The legislative process demonstrated a strong dominance of the House of Representatives (DPR) in initiating and approving the amendment, while the executive branch played a facilitating and endorsing role. This condition has raised concerns regarding the weakening of the KPK's independence and the potential imbalance in the anti-corruption framework. Furthermore, public and institutional responses reveal significant constitutional tensions, particularly regarding the interpretation of state authority in corruption eradication efforts. This study concludes that the amendment of the KPK Law represents a substantial shift in Indonesia's constitutional equilibrium, in which executive–legislative political alignment has weakened the effectiveness and independence of anti-corruption institutions. Strengthening constitutional safeguards and ensuring clearer delineation of institutional authority are essential to maintain democratic accountability and the rule of law in Indonesia.

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INTRODUCTION

The amendment of Indonesia's Corruption Eradication Commission (KPK) Law constitutes a major constitutional reform that has generated extensive debate concerning institutional

independence, democratic accountability, and the balance of power within Indonesia's post-reformasi governance system. Established as an independent state institution with strong investigative and prosecutorial powers, the KPK was originally designed to function outside the direct control of executive and legislative influence. The KPK's institutional independence functioned as a constitutional safeguard designed to protect anti-corruption enforcement from political interference and to strengthen accountability within Indonesia's democratic system. However, the revision of the KPK Law in 2019 triggered intense debate regarding the shifting balance of power among state institutions, particularly between the President and the House of Representatives (Dewan Perwakilan Rakyat/DPR), raising fundamental questions about constitutional design, institutional integrity, and democratic accountability (Syahuri et al., 2022).

Constitutionally, Indonesia applies a functional separation of powers model that prioritizes inter-institutional checks and balances, although its practical implementation frequently reflects political accommodation rather than effective constitutional restraints (Wijaya, 2023). In this framework, the executive and legislative branches are expected to collaborate in law-making while simultaneously restraining each other to prevent abuse of power (Agustinus et al., 2021 Wambrauw et al., 2025). Nevertheless, the amendment of the KPK Law illustrates a situation where the equilibrium between these branches becomes contested (Putriyana & Rochaeti., 2021). The legislative process was conducted through an accelerated procedure characterized by limited public participation and inadequate deliberative transparency, thereby weakening the democratic legitimacy of the amendment. This condition raises normative concerns regarding whether the legislative process genuinely reflected democratic law-making principles or merely functioned as a procedural formality for political consolidation.

The role of the President in the legislative process of the KPK Law amendment further complicates the constitutional narrative. Although formally positioned as a co-legislator alongside the DPR, the executive's endorsement of the revision has been interpreted by various scholars and civil society actors as an alignment with legislative preferences that potentially undermined the institutional autonomy of the KPK. Such alignment raises critical questions about the independence of the executive in safeguarding constitutional values, especially when dealing with institutions designed to operate independently from political influence. In this sense, the executive-legislative relationship in the context of the KPK Law amendment does not merely reflect cooperation, but also reveals potential asymmetries of power that may influence substantive legal outcomes.

This study demonstrates that the amendment of the KPK Law represents a constitutional reconfiguration of executive-legislative power relations that directly affects the independence and effectiveness of Indonesia's anti-corruption institutions. Changes such as the establishment of a supervisory board, the shift in employee status to civil servants, and modifications to investigative authority have been interpreted as structural constraints that reduce the KPK's operational independence. These changes are often viewed as a form of institutional reconfiguration that may align the KPK more closely with the state bureaucracy, thereby reducing its capacity to act as an autonomous anti-corruption agency (Santika., 2022). From a constitutional law perspective, such transformation raises concerns regarding whether the amendment remains consistent with the original spirit of reformasi, which emphasized institutional checks on corruption through strong and independent oversight bodies.

Moreover, the controversy surrounding the KPK Law amendment reflects broader tensions within Indonesia's democratic governance system. On one hand, the legislative authority of the DPR to amend laws is constitutionally guaranteed. On the other hand, the substantive content of such amendments must still be measured against constitutional principles, including proportionality, necessity, and the protection of fundamental institutional guarantees. The absence of robust deliberative engagement during the amendment process has been criticized as weakening the legitimacy of the law-making process itself. In democratic theory, legitimacy is not derived solely from formal procedural compliance but also from the quality of participation, transparency, and accountability embedded within legislative decision-making.

The Constitutional Court, as the guardian of the constitution, plays a crucial role in mediating disputes arising from such legislative controversies. Judicial review mechanisms provide an institutional avenue to test whether the amended provisions of the KPK Law align with constitutional norms. However, reliance on judicial mechanisms alone may not be sufficient to address deeper structural issues related to political bargaining and institutional dominance in the legislative process. This highlights the importance of strengthening *ex ante* constitutional safeguards within the law-making process, rather than relying solely on *ex post* judicial correction.

This study argues that the amendment of the KPK Law should be understood not merely as a technical legal reform, but as a reflection of shifting power dynamics between the executive and legislative branches in Indonesia's constitutional system. The case reveals how institutional design can be reshaped through political negotiation, potentially affecting the autonomy of critical accountability institutions. Therefore, examining this case provides important insights into the evolving nature of constitutional governance in Indonesia, particularly in relation to the balance between democratic legitimacy and institutional independence.

METHODS

This study employs a qualitative case study approach because it enables an in-depth examination of constitutional tensions, institutional power relations, and political dynamics surrounding the amendment of the Corruption Eradication Commission (KPK) Law in Indonesia. The case study method is selected because it allows an in-depth exploration of complex constitutional and political dynamics within a real-life legislative process. This approach prioritizes interpretative constitutional analysis to examine how institutional authority, political interests, and legislative procedures interact within the law-making process (Santika., 2021).

The primary data sources in this research consist of legal and documentary materials, including the amended KPK Law, relevant provisions of the Indonesian Constitution (Undang-Undang Dasar 1945), parliamentary records from the House of Representatives (DPR), presidential statements, and official government publications. In addition, decisions and considerations from the Constitutional Court (Mahkamah Konstitusi) related to judicial review petitions on the KPK Law are also analyzed to understand constitutional interpretation regarding institutional authority and separation of powers. These documents are treated as primary legal texts that reflect the formal position of state institutions.

Secondary data sources include scholarly articles, academic books, policy analyses, and reports from civil society organizations that focus on anti-corruption governance and

constitutional law in Indonesia. These sources are used to provide critical perspectives and contextual understanding of the political and legal debates surrounding the KPK Law amendment. Media reports from credible national and international outlets are incorporated as supplementary sources to analyze public discourse and political narratives related to the legislative process and institutional reform.

The data analysis technique used in this study is qualitative content analysis. This method involves systematically examining legal texts and related documents to identify patterns, themes, and interpretations relevant to executive–legislative relations. The analysis is conducted through several stages: first, data reduction by selecting relevant constitutional provisions and legislative materials; second, data categorization based on themes such as institutional authority, legislative procedure, and constitutional conflict; and third, interpretative analysis to examine how these themes reflect tensions in separation of powers and checks and balances within the Indonesian constitutional system.

To strengthen analytical reliability, this study applies source triangulation by systematically comparing legal documents, academic scholarship, and institutional reports to ensure consistent interpretation of constitutional and institutional issues. This triangulation helps to reduce bias and increase the reliability of interpretations. Furthermore, the study adopts a critical constitutional law perspective, which not only describes legal events but also evaluates them based on democratic principles, rule of law, and institutional accountability.

Overall, the methodological framework is designed to provide a comprehensive and critical understanding of how the amendment of the KPK Law reflects broader constitutional dynamics between the President and the DPR, particularly in relation to legislative authority, executive influence, and the independence of state institutions.

RESULTS AND DISCUSSIONS

The findings demonstrate that the amendment of the KPK Law fundamentally restructured executive–legislative power relations and altered the constitutional position of independent anti-corruption institutions in Indonesia. The analysis of legal documents, parliamentary records, and constitutional interpretations reveals that the revision process was not merely a technical legal adjustment, but rather a deeply political process characterized by competing institutional interests, asymmetrical power relations, and contested interpretations of constitutional authority.

1. Executive–Legislative Dynamics in the Legislative Process

The amendment of the KPK Law demonstrates a complex relationship between the executive and legislative branches. In Indonesia's constitutional system, law-making authority is shared between the President and the House of Representatives (DPR) to ensure checks and balances (Santika., 2020). However, during the amendment process, the constitutional mechanism of checks and balances weakened because political alignment between the executive and legislative branches reduced effective institutional oversight. During the amendment process, there was little visible disagreement between the President and the DPR. Although the President constitutionally has the authority to balance legislative power, the executive branch largely supported the direction of the revision proposed by the DPR. This situation reflects a

convergence of political interests between the two institutions, which weakened the function of inter-branch oversight (Santika., 2023; Muptiah., 2025).

In addition, the amendment process was conducted within a relatively short period and involved limited public participation. Many scholars and civil society groups considered the process to be “fast-tracked,” thereby reducing opportunities for public deliberation. Consequently, the legislative process was perceived as being driven more by political interests than by comprehensive constitutional evaluation. The DPR also appeared to exercise greater control over the legislative agenda, while the executive branch mainly followed the direction established by the legislature. This condition illustrates that formal constitutional equality between the President and the DPR does not necessarily guarantee balanced institutional practice, particularly when legislative dominance is reinforced by executive accommodation. From a constitutional perspective, this case demonstrates that although the separation of powers formally exists in Indonesia, the effectiveness of checks and balances may decline when strong political alignment exists between the executive and legislative branches (Sila et al., 2025).

2. Institutional Reconfiguration of the KPK

The amendment of the KPK Law introduced major changes to the institutional structure and position of the KPK. These changes were not merely administrative in nature, but also affected the status of the KPK as an independent institution within Indonesia’s constitutional system. One of the most controversial changes was the establishment of the Supervisory Board (Dewan Pengawas). Formally, the board was created to strengthen accountability and oversight within the KPK. However, many observers argued that the existence of this body reduced the KPK’s independence because important investigative actions, such as wiretapping, searches, and seizures, now require prior authorization (Sujana et al., 2025).

In corruption investigations, speed and confidentiality are essential. Therefore, these additional procedural requirements are widely considered capable of limiting the effectiveness of anti-corruption enforcement (Santika., 2019). Another important change was the transformation of KPK employees into state civil servants (ASN). Previously, KPK personnel operated under a more independent employment system and were relatively insulated from the state bureaucracy. After the revision, they became part of the national civil service structure, which is more hierarchical and administratively controlled.

This transformation raised concerns that the KPK’s independent institutional culture would weaken because employees became more closely tied to the government bureaucracy. Anti-corruption institutions require flexibility and independence in carrying out investigations, particularly in politically sensitive cases. Furthermore, the amendment imposed additional procedural limitations on the KPK’s investigative authority. Although these measures were formally justified as safeguards against abuse of power, many critics argued that they would slow down corruption investigations and reduce institutional effectiveness (Sujana et al., 2025). Overall, the amendment transformed the KPK from a highly autonomous anti-corruption institution into a more administratively controlled body subject to greater political and bureaucratic oversight. In other words, the KPK formally remains an independent institution, but its authority is increasingly limited through supervisory and administrative mechanisms.

3. Constitutional Tension and Separation of Powers

The amendment of the KPK Law reveals significant constitutional tensions within Indonesia's governance system, particularly concerning the principles of separation of powers and checks and balances. In theory, the separation of powers is intended to prevent the concentration of authority within a single institution (Santika et al., 2026). However, in the KPK Law case, the relationship between the DPR and the President appeared highly cooperative, reducing the effectiveness of institutional oversight (Salim et al., 2025). Ideally, the President should function as a counterbalance to legislative authority, especially when legal reforms may affect the independence of state institutions. In the KPK Law amendment, however, the executive branch appeared to support the legislative agenda rather than actively exercising constitutional restraint.

This situation reflects a condition of reduced constitutional friction, in which political alignment between state institutions weakens the effectiveness of constitutional checks and balance. Although such alignment may accelerate policy-making, it can also weaken constitutional safeguards designed to protect institutional independence (Saputra & Fauzan., 2025). The case also demonstrates the DPR's stronger influence in determining legislative priorities. Even though the President and the DPR formally possess equal legislative authority, political realities indicate that the legislature exercised greater agenda-setting power during the amendment process (Nursetiawan et al., 2023).

Furthermore, the KPK occupies a unique position within Indonesia's constitutional structure. As an independent anti-corruption institution, it was established to operate outside ordinary political influence. Therefore, any legal changes affecting its structure and authority should be approached with strong constitutional caution.

4. Judicial Review and Constitutional Interpretation

The Constitutional Court plays an important role in reviewing whether the amendment of the KPK Law is consistent with the 1945 Constitution (Sujana., 2024). In Indonesia's constitutional system, judicial review functions as a mechanism to ensure that legislation does not violate constitutional principles. Several parties submitted judicial review petitions, arguing that the revised law weakened the independence of the KPK and contradicted the constitutional spirit of anti-corruption governance. However, the Constitutional Court generally concluded that the legislature had acted within its constitutional authority.

The Constitutional Court generally distinguishes constitutional review from legislative policy considerations, thereby granting broad discretion to political institutions in determining the institutional design of the KPK." In other words, the Court primarily examines whether legislative procedures comply with constitutional requirements rather than assessing whether a policy is politically or substantively desirable. As a result, despite concerns regarding the weakening of the KPK, the Constitutional Court continued to provide broad discretion to the DPR and the President in determining the institutional design of the KPK.

This case demonstrates that judicial review possesses structural limitations as a constitutional safeguard because it operates only after legislation has been enacted and institutional changes have already produced practical consequences. Judicial review is *ex post* in nature, meaning that it occurs only after legislation has already been enacted. Consequently, structural changes to institutions may produce immediate effects before constitutional review takes place. Moreover, the Constitutional Court often adopts a cautious approach in politically

sensitive cases. While such caution may help preserve institutional stability, it can also generate criticism that constitutional values are not being fully protected.

5. Democratic Legitimacy and Public Participation

The controversy surrounding the amendment of the KPK Law is also closely related to issues of democratic legitimacy, particularly public participation in the legislative process. In democratic systems, legitimacy is derived not only from formal procedures but also from meaningful public involvement in decision-making (Pelokilla., 2023). Formally, the amendment process complied with legislative procedures. However, many observers argued that opportunities for public participation were highly limited. The discussions were conducted within a short timeframe, leaving little room for meaningful engagement by civil society organizations, academics, and anti-corruption activists.

Numerous civil society groups expressed strong opposition to the amendment, yet their concerns had minimal influence on the final outcome. This situation reflects weaknesses in democratic deliberation and institutional responsiveness. The lack of transparency during the legislative process also attracted criticism. Information regarding the substance of the amendment was not sufficiently disseminated to the public, making it difficult for citizens to monitor and evaluate the legislative process effectively.

Within democratic constitutionalism, meaningful civil society participation functions as an essential mechanism for monitoring state power and safeguarding institutional accountability during legislative reform processes. Therefore, the limited influence of civil society in the KPK Law amendment indicates a tendency toward “elite-driven constitutionalism,” in which policy-making is dominated by political elites rather than participatory democratic processes. This condition reduces public trust in state institutions and undermines confidence in the government’s commitment to maintaining an independent and effective anti-corruption framework (Kandia et al., 2026; Sujana & Anapali., 2024).

6. Implications for Constitutional Governance

The amendment of the KPK Law has significant implications for Indonesia’s constitutional governance, particularly regarding institutional independence and the effectiveness of checks and balances. The case demonstrates that independent institutions established through ordinary legislation are more vulnerable to political change than institutions explicitly protected by the Constitution. Since the KPK is not directly entrenched in the 1945 Constitution, the DPR and the President possess the authority to alter its institutional design through statutory amendments (Sujana & Santika., 2026).

The amendment reflects a broader transformation from a highly autonomous institutional model toward a system in which formal independence persists but is increasingly constrained by political supervision and administrative control. In addition, the case illustrates that the effectiveness of checks and balances depends not only on constitutional rules but also on the political commitment of state actors to uphold institutional restraint. In the context of anti-corruption governance, reforms perceived as weakening the KPK’s independence may reduce public trust in anti-corruption institutions and undermine the effectiveness of law enforcement. The case also demonstrates the importance of strengthening constitutional safeguards during the legislative process itself, rather than relying solely on judicial review after laws have already been enacted.



7. Contribution of the Study

This study contributes significantly to constitutional law scholarship, particularly regarding executive–legislative relations and the governance of independent state institutions in Indonesia. **First**, the study demonstrates that the separation of powers does not always function effectively in practice. Political dynamics can strongly influence the operation of constitutional checks and balances (Ariani & Prasetyoningsih., 2022). **Second**, this research provides an empirical analysis of the amendment of the KPK Law as a concrete example of the interaction between the President and the DPR in the legislative process. **Third**, the study shows that changes to the KPK's institutional structure were not merely administrative reforms, but constitutional developments with major implications for institutional independence (Prasetyo & Herman., 2025). **Fourth**, the study emphasizes the importance of public participation in legislative processes to ensure democratic legitimacy and accountability. **Finally**, the research recommends strengthening constitutional safeguards through greater legislative transparency, broader public participation, and stronger checks and balances among state institutions.

CONCLUSIONS

This study concludes that the amendment of the KPK Law reflects a substantial shift in executive–legislative power relations that has weakened constitutional safeguards protecting institutional independence and democratic accountability in Indonesia. Rather than functioning solely as a legal reform aimed at improving institutional governance, the revision demonstrates how political convergence between the President and the House of Representatives (DPR) can shape the direction and substance of constitutional institutions. The case illustrates that formal separation of powers, while constitutionally guaranteed, does not always translate into substantive institutional checks and balances in practice.

The analysis shows that the amendment process resulted in a transformation of the KPK's institutional design, particularly through the introduction of supervisory mechanisms, changes in employment structure, and revised investigative procedures. These changes collectively indicate a shift from strong institutional independence toward a more regulated and administratively integrated model of anti-corruption enforcement. While these reforms are justified in the name of accountability, they simultaneously raise concerns regarding the erosion of operational autonomy and the effectiveness of anti-corruption efforts.

Furthermore, the study highlights limitations in both judicial review and public participation as mechanisms of constitutional control. The Constitutional Court's ex post review function is insufficient to fully address structural changes that occur through legislative processes, while limited public engagement during the amendment process weakens democratic legitimacy. These conditions suggest that Indonesia's constitutional safeguards require strengthening not only at the judicial level but also within legislative procedures.

Overall, the amendment of the KPK Law demonstrates how political consolidation between state institutions can reshape constitutional governance and undermine the independence of anti-corruption institutions within a democratic system. The study emphasizes the need to reinforce constitutional safeguards, enhance participatory law-making, and maintain a balanced relationship between state institutions to preserve the integrity of Indonesia's democratic and anti-corruption framework.

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